

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814



May 7, 1986

ALL COUNTY LETTER NO. 86-36

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY COUNSELS

SUBJECT: ATTORNEY GENERAL'S OPINION NO. 83-911: RESPONSE TO REPORTS OF
CHILD SEXUAL ABUSE

REFERENCE: ACL 85-39

The Attorney General's Opinion 83-911 (OAG 83-911) interpreted the responsibilities of family planning agencies regarding reporting to child protection agencies when children seek family planning services. The opinion, based on a review of the Penal Code, directed that children under 14 years must be reported under the Child Abuse Reporting Law by persons who in their professional capacity have knowledge of sexual activity involving the child, even though the sexual activity was consensual. Children over 14 were to be reported only if there were other indications of sexual abuse.

The California First Appellate Court issued an order to stay enforcement of the Child Abuse Reporting Law "...insofar as it applies or may apply to the voluntary consensual sexual activities of adolescents under 14..." The order of the Appellate Court directs the continuation of normal operation, implementation and enforcement of the Child Abuse Reporting Law as it applies to adolescents under 14 where there is a reasonable suspicion of actual sexual abuse.

The purpose of this ACL is to clarify that counties are not required to respond to reports of sexual abuse of minors under 14 if the facts of the report indicate the sexual activity was consensual and there is no other indication of sexual abuse. However, counties are required to respond to any report of abuse of a child if there are other indications of sexual abuse or other abuse/neglect.

If you have questions please contact your Adult and Family Services Operations Consultant at (916) 445-0623.

A handwritten signature in dark ink, appearing to read "Loren D. Syter".

LOREN D. SYTER
Deputy Director
Adult and Family Services Division

cc: CWDA